

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SECOND AMENDMENT)	
FOUNDATION, INC., NEBRASKA)	
FIREARMS OWNERS ASSOCIATION,)	
and ARMANDO PLIEGO GONZALEZ,)	
)	
Plaintiffs,)	8:11CV335
)	
v.)	
)	
JIM SUTTLE, individually and in his)	INJUNCTION
official capacity as Mayor of Omaha,)	
Nebraska, CITY OF OMAHA,)	
Nebraska, a municipal corporation, and)	
ALEX HAYES, individually and in his)	
official capacity as Chief of Police of)	
Omaha, Nebraska,)	
)	
Defendants.)	
)	

This matter is before the court on the plaintiffs' motion for a preliminary injunction, Filing No. [21](#). The parties have entered into a Stipulation agreeing to the terms of the preliminary injunction. Filing No. [26](#).

In the stipulation, the parties agree that individuals have a fundamental right under the Second Amendment to keep firearms, including handguns, in their homes for lawful purposes, most notably for self-defense, the right is enforceable against state and local governments, legal aliens residing in Omaha enjoy fundamental constitutional rights, and legal aliens also enjoy the right of equal protection of the laws under the Fourteenth Amendment of the Constitution. *Id.* the parties agree to the entry of an order enjoining the enforcement of Omaha Municipal Code § 20-253(9), which denies non-citizens the right

to register a “concealable firearm” with the Omaha Chief of Police, thus denying them the ability to possess a “concealable firearm” in their homes. *Id.*

The stipulation establishes that the plaintiffs are entitled to preliminary injunctive relief. See Dataphase Sys., Inc. v. C.L. Sys., Inc., 640 F.2d 109,114 (8th Cir. 1981)(*en banc*). Pursuant to the stipulation, the court further finds that no security is required as the defendants will not suffer financial harm by issuance of this order. This injunction shall remain in place pending the conclusion of this litigation.

IT IS ORDERED:

1. Defendants Jim Suttle, individually and in his official capacity as Mayor of Omaha, Nebraska; the City of Omaha, Nebraska, a municipal corporation; Alex Hayes, individually and in his official capacity as Chief of Police of Omaha, Nebraska; their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction are preliminarily enjoined from enforcing Omaha Municipal Code § 20-253(9), pending resolution of this action.
2. Defendants Jim Suttle, individually and in his official capacity as Mayor of Omaha, Nebraska; the City of Omaha, Nebraska, a municipal corporation; Alex Hayes, individually and in his official capacity as Chief of Police of Omaha, Nebraska; their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction shall allow plaintiffs and other legal aliens residing in Omaha to register “concealable firearms” for possession in their homes, provided they are otherwise-qualified to possess a firearm.
3. The hearing scheduled for November 22, 2011 at 2:00 p.m. is canceled.

4. This matter is referred to the United States Magistrate Judge for expedited progression.

DATED this 21st day of November, 2011.

BY THE COURT:

s/Joseph F. Bataillon _____ I
UNITED STATES DISTRICT JUDGE

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